

ESTTA Tracking number: **ESTTA697512**

Filing date: **09/22/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	SunPower Corporation
Granted to Date of previous extension	09/30/2015
Address	77 Rio Robles San Jose, CA 95134 UNITED STATES

Attorney information	Patrick J. Gallagher Norton Rose Fulbright US LLP RBC Plaza 60 South Sixth Street, Suite 3100 Minneapolis, MN 55402 UNITED STATES patrick.gallagher@nortonrosefulbright.com, shelby.bruce@nortonrosefulbright.com, jen.rezac@nortonrosefulbright.com, mnpdocket@nortonrosefulbright.com
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### Applicant Information

Application No	86503923	Publication date	06/02/2015
Opposition Filing Date	09/22/2015	Opposition Period Ends	09/30/2015
Applicant	FENG JINGJING No.5002 East Shennan Rd., Luohu District Shenzhen, 518001 CHINA		

### Goods/Services Affected by Opposition

Class 009. First Use: 2007/07/13 First Use In Commerce: 2007/11/17  
All goods and services in the class are opposed, namely: Circuit breakers; Commutators; Electric control panels; Electric converters; Electric relays; Inverters; Step up transformers; Transformers; Voltage regulators; Voltage stabilizing power supply

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2690090	Application Date	07/11/2001
Registration Date	02/25/2003	Foreign Priority Date	NONE

Word Mark	SUNPOWER
Design Mark	<b>SUNPOWER</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1989/00/00 First Use In Commerce: 1991/00/00 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels


U.S. Registration No.	3582037	Application Date	03/31/2008
Registration Date	03/03/2009	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	<b>SUNPOWER</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Mounting systems for solar collectors comprised of structural supports, made of metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal</p> <p>Class 011. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Solar collectors, and mounting systems for solar collectors comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors</p> <p>Class 019. First use: First Use: 2008/02/01 First Use In Commerce: 2008/02/01 Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal</p> <p>Class 037. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants</p>		

U.S. Registration No.	3929715	Application Date	11/23/2009
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	SUNPOWER		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/02/11 First Use In Commerce: 2008/02/11 Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency Class 042. First use: First Use: 2006/02/13 First Use In Commerce: 2006/02/13 Remote monitoring, metering and analysis of energy usage and energy management systems; energy usage monitoring

U.S. Registration No.	4237317	Application Date	03/30/2012
Registration Date	11/06/2012	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/00/00 First Use In Commerce: 2005/00/00 Silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters		

U.S. Registration No.	4138218	Application Date	08/26/2011
Registration Date	05/08/2012	Foreign Priority Date	NONE
Word Mark	SUNPOWER		

Design Mark	
Description of Mark	The mark consists of large black rectangle with the wording "SUNPOWER" in white and a halo around the "O" gradation from white to black background.
Goods/Services	<p>Class 009. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels</p> <p>Class 037. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Installation, repair, and maintenance of solar energy based power plants; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants</p>

Attachments	76283765#TMSN.png( bytes ) 76688239#TMSN.png( bytes ) 77879227#TMSN.png( bytes ) 85585503#TMSN.png( bytes ) 85408770#TMSN.png( bytes ) Notice of Opposition.pdf(816461 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/patrick j. gallagher/
Name	Patrick J. Gallagher
Date	09/22/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 86/503,923  
By Feng JingJing for the mark: SUNGOLDPOWER & Design  
Filed: January 14, 2015  
Published in the *Official Gazette* on: June 2, 2015

SunPower Corporation,	§	
	§	
	§	
Opposer,	§	
	§	Opposition No.: _____
v.	§	
	§	
FENG JINGJING,	§	
	§	
Applicant.	§	
	§	

**NOTICE OF OPPOSITION**

Opposer, SunPower Corporation (hereinafter “SunPower”), a Delaware corporation with a principal place of business at 77 Rio Robles, San Jose, California 95134, believes that it will be damaged by registration of the above-identified alleged mark, “SUNGOLDPOWER & Design,” as shown in U.S. Trademark Application Serial No. 86/503,923 (the “Application”) and hereby opposes the same under the provisions of 15 U.S.C. § 1063. As grounds for opposition, SunPower asserts the following:

1. SunPower designs, manufactures, delivers and installs high-performance solar electric systems for residential, commercial and utility-scale power plant customers.
2. Founded in 1985, SunPower has been an innovative leader in the solar industry for over thirty years. In 2012 and 2013, SunPower’s revenues exceeded \$2.4 billion and \$2.5 billion, respectively. In 2014, SunPower’s revenues exceeded \$3.0 billion.

3. Since at least as early as 1989, SunPower has continuously used the name and mark SUNPOWER in connection with the sale and distribution of solar-related goods. Since that time, SunPower has continuously used the SUNPOWER mark on and in connection with a variety of solar-related goods, including: photovoltaic cells, photovoltaic panels, photovoltaic modules, inverters and converters for solar energy, measuring and control devices for converting electrical energy from solar, and photovoltaic power plant systems.

4. Since at least as early as September 1, 2007, SunPower has continuously used the name and mark SUNPOWER in connection with installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; and installation of ground-mounted and roof-mounted solar panel plants.

5. SunPower owns U.S. Trademark Reg. No. 2,690,090 for the mark SUNPOWER (hereinafter the “SUNPOWER Mark”) registered in connection with “photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels” in Class 9. The underlying application for this registration was filed on July 11, 2001. U.S. Reg. No. 2,690,090 issued on February 25, 2003. The registration is in full force and effect, and it is incontestable pursuant to Section 15 of the Trademark Act, 15 U.S.C. § 1065. (A true and correct copy of the certificate of registration for U.S. Reg. No. 2,690,090 is attached as Exhibit A, along with a printout from the USPTO’s TESS database reflecting the status of this registration.)

6. SunPower owns U.S. Trademark Reg. No. 3,582,037 for the SUNPOWER Mark registered in connection with various goods and services, including: “[m]ounting systems for solar collectors comprised of structural supports, made of metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of

metal” in Class 6, “Solar collectors, and mounting systems for solar collectors comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors” in Class 11, “[r]oofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal” in Class 19, and “[i]nstallation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants,” in Class 37. The underlying application for this registration was filed on March 31, 2008. U.S. Reg. No. 3,582,037 issued on March 3, 2009, and the registration is in full force and effect, and it is incontestable pursuant to Section 15 of the Trademark Act, 15 U.S.C. § 1065. (A true and correct copy of the certificate of registration for U.S. Reg. No. 3,582,037 is attached as Exhibit B, along with a printout from the USPTO’s TESS database reflecting the status of this registration.)

7. SunPower owns U.S. Trademark Reg. No. 3,929,715 for the SUNPOWER Mark registered in connection with various services, including: “[e]nergy usage management”; and “energy usage management information services,” in Class 35; and “[r]emote monitoring, metering and analysis of energy usage and energy management systems,” in Class 42. The underlying application for this registration was filed on November 23, 2009. U.S. Reg. No. 3,929,715 issued on March 8, 2011, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 3,929,715 is attached as Exhibit C, along with a printout from the USPTO’s TESS database reflecting the status of this registration.)

8. SunPower owns U.S. Trademark Reg. No. 4,237,317 for the SUNPOWER Mark registered in connection with various goods, including: “[s]ilicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; [and] solar energy converters” in Class 9. The underlying application for this registration was filed on March 30, 2012. U.S. Reg. No. 4,237,317 issued on November 6, 2012, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 4,237,317 is attached as Exhibit D, along with a printout from the USPTO’s TESS database reflecting the status of this registration.)

9. SunPower owns U.S. Trademark Reg. No. 4,138,218 for the mark SUNPOWER & Design (the “SUNPOWER & Design Mark”) registered in connection with various goods and services including: “[p]hotovoltaic cells; modules, namely photovoltaic modules and solar cell modules; panels, namely photovoltaic panels and solar cell panels; solar batteries; solar cells; ... electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely photovoltaic roofing members and photovoltaic cladding panels” in Class 9, and “[i]nstallation, repair, and maintenance of solar energy based power plants; installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants” in Class 37. The underlying application for this registration was filed on August 26, 2011. U.S. Reg. No. 4,138,218 issued on May 8, 2012, and the registration is in full force and effect (the SUNPOWER Mark and the SUNPOWER & Design Mark are jointly referred to as the “SUNPOWER Marks”). (A true and correct copy of the certificate of registration for U.S. Reg. No. 4,138,218 is attached as Exhibit E, along with a printout from the USPTO’s TESS database reflecting the status of this registration.)



10. SunPower uses the SUNPOWER Mark in its domain name <sunpower.com> to identify itself on the Internet, and it has used <sunpowercorp.com> to identify itself on the Internet since at least 1999.

11. SunPower also uses the SUNPOWER Mark as part of its alpha-numeric toll-free phone number, 1-800-SUNPOWER, having done so for several years.

12. As a result of SunPower's extensive and continuous use of the SUNPOWER Marks, the SUNPOWER Marks have come to represent a considerable amount of goodwill amongst the consuming public and are of great value to SunPower.

13. The SUNPOWER Mark is valid and subsisting and has been used continuously by SunPower since at least as early as the date of first use set forth in U.S. Reg. No. 2,690,090.

14. The SUNPOWER & Design Mark is valid and subsisting and has been used continuously by SunPower since at least as early as the date of first use set forth in U.S. Reg. No. 4,138,218.

15. The SUNPOWER Marks are inherently distinctive and serve to identify and indicate the source of SunPower's goods and services to the consuming public.

16. As a result of the long use and promotion of the SUNPOWER Marks by SunPower, the SUNPOWER Marks have become distinctive to designate SunPower, to distinguish SunPower and its products and services from those of other businesses, and to distinguish the source or origin of SunPower's products and services. As a result of those efforts by SunPower, the relevant customers and consumers throughout the United States widely recognize and associate the SUNPOWER Marks with SunPower and its products and services.

17. As a result of SunPower's long use and promotion of the SUNPOWER Marks, SunPower has acquired valuable common law rights in the SUNPOWER Marks throughout the United States.

18. SunPower rights in its SUNPOWER Marks predates any priority date that Applicant Feng JingJing (hereinafter "Applicant") may assert with respect to its alleged mark "SUNGOLDPOWER & Design."

19. SunPower's use of the SUNPOWER Mark is long prior to Applicant's filing of the above-identified Application, Applicant's apparent actual use of the alleged mark that is the subject of the Application, and/or any date upon which Applicant can claim priority.

20. Applicant filed U.S. Application Serial No. 86/503,923 for the alleged mark "SUNGOLDPOWER & Design" under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), in connection with "[c]ircuit breakers; [c]ommutators; [e]lectric control panels; [e]lectric converters; [e]lectric relays; [i]nverters; [s]tep up transformers; [t]ransformers; [v]oltage regulators; [v]oltage stabilizing power supply" in Class 9.

21. Applicant's alleged mark "SUNGOLDPOWER & Design" was published for opposition in the *Official Gazette* on June 2, 2015.

22. SunPower timely filed for a 90-day Extension of Time to Oppose the Application on June 22, 2015, which was granted until September 30, 2015.

23. Applicant did not file a trademark application for the "SUNGOLDPOWER & Design" mark for any goods or services in the United States prior to January 14, 2015.

24. Applicant did not use the mark "SUNGOLDPOWER & Design" that is the subject of U.S. Application Serial No. 86/503,923 in connection with any goods or services in the United States prior to November 17, 2007.

25. Applicant did not use the mark “SUNGOLDPOWER & Design” that is the subject of U.S. Application Serial No. 86/503,923 in connection with the goods set forth in U.S. Application Serial No. 86/503,923 in the United States prior to November 17, 2007.

26. Applicant’s affiliated company, Sun Gold Power, provides green energy products and uses the SUNGOLDPOWER & Design mark in connection with the company’s activities.

27. SunPower’s SUNPOWER goods and services and Applicant’s goods offered by Applicant in connection with the alleged “SUNGOLDPOWER & Design” mark are being promoted in the same channels of trade and to the same customers.

28. The alleged mark “SUNGOLDPOWER & Design,” which Applicant seeks to register, so resembles the SUNPOWER Marks as to be likely, when used on or in connection with Applicant’s services, to cause confusion, or to cause mistake, or to deceive. Purchasers and prospective purchases are likely to falsely believe that the services of Applicant offered and rendered under the alleged mark “SUNGOLDPOWER & Design” are sponsored, endorsed or approved by SunPower, or are in some way affiliated, connected or associated with SunPower. Registration should therefore be refused under 15 U.S.C. §1052(d).

29. Registration of Applicant’s alleged mark “SUNGOLDPOWER & Design” would be a source of damage to SunPower because consumers are likely to attribute the source or sponsorship of Applicant’s services to SunPower.

30. Registration of Applicant’s alleged mark “SUNGOLDPOWER & Design” would be a source of damage to SunPower because it would enable Applicant to trade on and receive the benefit of the goodwill in the SUNPOWER Marks, which SunPower has built up at great labor and expense over the last 30 years.

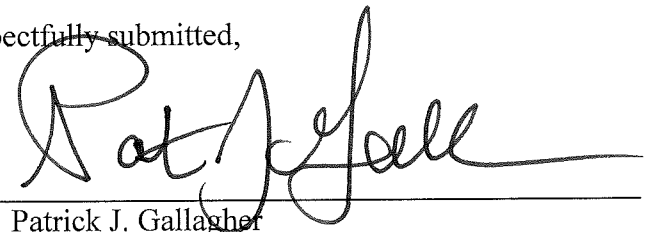
31. Registration of Applicant's alleged mark "SUNGOLDPOWER & Design" would be a source of damage to SunPower, as it would confer upon Applicant various statutory presumptions to which it is not entitled in view of SunPower's long prior use of the SUNPOWER Marks.

WHEREFORE, SunPower requests that registration of Application Serial No. 86/503,923 for the alleged mark "SUNGOLDPOWER & Design" be denied in its entirety and this opposition be sustained.

The filing fee in the amount of \$300 as required by 37 C.F.R. § 2.6(a)(17) is submitted herewith. The Commissioner of Trademarks is authorized to draw on the deposit account of Norton Rose Fulbright US LLP., Account No. 50-1212/SUNP.T5544US.OP/PJG, in the event that anything prevents the successful completion of electronic payment of the filing fee.

Respectfully submitted,

By:



Patrick J. Gallagher  
Laura J. Borst  
Shelby Knutson Bruce  
NORTON ROSE FULBRIGHT US LLP  
RBC Plaza  
60 South Sixth Street, Suite 3100  
Minneapolis, MN 55402-2112  
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ATTORNEYS FOR OPPOSER  
SUNPOWER CORPORATION

Dated: September 22, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Opposition has been served via First Class Mail to Applicant's correspondence address of record at the address below on this the 22<sup>nd</sup> day of September, 2015:

FENG JINGJING  
Suite A205A, 6640 Lusk Blvd, San Diego  
San Diego, CALIFORNIA 92121

  
Jen Rezac

# EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,690,090

United States Patent and Trademark Office

Registered Feb. 25, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**SUNPOWER**

SUNPOWER CORPORATION (CALIFORNIA  
CORPORATION)  
435 INDIO WAY  
SUNNYVALE, CA 94086

VOLTAIC PANELS AND SOLAR CELL PANELS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1991.

FOR: PHOTOVOLTAIC CELLS; MODULES,  
NAMELY, PHOTOVOLTAIC MODULES AND SO-  
LAR CELL MODULES; PANELS, NAMELY, PHOTO-

SER. NO. 76-283,765, FILED 7-11-2001.

MICHAEL KAZAZIAN, EXAMINING ATTORNEY


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# SUNPOWER

<b>Word Mark</b>	SUNPOWER
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels. FIRST USE: 19890000. FIRST USE IN COMMERCE: 19910000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76283765
<b>Filing Date</b>	July 11, 2001
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 3, 2002
<b>Registration Number</b>	2690090
<b>International Registration Number</b>	0929836
<b>Registration Date</b>	February 25, 2003
<b>Owner</b>	(REGISTRANT) SunPower Corporation CORPORATION CALIFORNIA 3939 North 1st Street San Jose CALIFORNIA 95134  (LAST LISTED OWNER) SUNPOWER CORPORATION CORPORATION DELAWARE 77 Rio Robles San Jose CALIFORNIA 95134
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Patrick J. Gallagher
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130225.
<b>Renewal</b>	1ST RENEWAL 20130225



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# EXHIBIT B

Int. Cls.: 6, 11, 19 and 37

Prior U.S. Cls.: 1, 2, 12, 13, 14, 21, 23, 25, 31, 33, 34,  
50, 100, 103 and 106

Reg. No. 3,582,037

United States Patent and Trademark Office

Registered Mar. 3, 2009

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

SUNPOWER

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
3939 NORTH 1ST STREET  
SAN JOSE, CA 95134

FOR: MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS, MADE OF METAL, FOR STABILIZATION ON THE GROUND, SOLAR COLLECTOR SUPPORTS MADE OF METAL, AND CLAMPS MADE OF METAL; SOLAR PANEL MOUNTS MADE OF METAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 12-1-2007; IN COMMERCE 12-1-2007.

FOR: SOLAR COLLECTORS, AND MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS FOR STABILIZATION ON THE GROUND, SOLAR COLLECTOR SUPPORTS, AND CLAMPS, ALL SOLD AS A UNIT WITH SOLAR COLLECTORS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 12-1-2007; IN COMMERCE 12-1-2007.

FOR: ROOFING, NOT OF METAL, INCORPORATING SOLAR CELLS; MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUC-

TURAL SUPPORTS, NOT OF METAL, FOR STABILIZATION ON THE GROUND, SOLAR COLLECTOR SUPPORTS NOT OF METAL, AND CLAMPS, NOT OF METAL, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 2-1-2008; IN COMMERCE 2-1-2008.

FOR: INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY SYSTEMS, SOLAR COLLECTORS AND SOLAR HEAT COLLECTION PANELS; INSTALLATION OF FACILITIES TO PRODUCE SOLAR ENERGY; INSTALLATION OF GROUND-MOUNTED AND ROOF-MOUNTED SOLAR PANEL PLANTS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 9-1-2007; IN COMMERCE 9-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,690,090.

SER. NO. 76-688,239, FILED 3-31-2008.

PAUL F. GAST, EXAMINING ATTORNEY



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# SUNPOWER

## Word Mark

SUNPOWER

## Goods and Services

IC 006. US 002 012 013 014 023 025 050. G &amp; S: Mounting systems for solar collectors comprised of structural supports, made of metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal. FIRST USE: 20071201. FIRST USE IN COMMERCE: 20071201

IC 011. US 013 021 023 031 034. G &amp; S: Solar collectors, and mounting systems for solar collectors comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors. FIRST USE: 20071201. FIRST USE IN COMMERCE: 20071201

IC 019. US 001 012 033 050. G &amp; S: Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal. FIRST USE: 20080201. FIRST USE IN COMMERCE: 20080201

IC 037. US 100 103 106. G &amp; S: Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants. FIRST USE: 20070901. FIRST USE IN COMMERCE: 20070901

## Standard Characters Claimed

## Mark Drawing Code

(4) STANDARD CHARACTER MARK

## Trademark Search Facility Classification Code

SHAPES-MISC Miscellaneous shaped designs

## Serial Number

76688239

## Filing Date

March 31, 2008

## Current Basis

1A

## Original Filing Basis

1A

## Published for Opposition

December 16, 2008

**Registration Number** 3582037  
**Registration Date** March 3, 2009  
**Owner** (REGISTRANT) SunPower Corporation CORPORATION DELAWARE 77 Rio Robles San Jose CALIFORNIA 95134  
**Attorney of Record** Patrick J. Gallagher  
**Prior Registrations** 2690090  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# EXHIBIT C

# United States of America

United States Patent and Trademark Office

## SUNPOWER

**Reg. No. 3,929,715**

**Registered Mar. 8, 2011**

**Int. Cls.: 35 and 42**

**SERVICE MARK**

**PRINCIPAL REGISTER**

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT  
3939 NORTH 1ST STREET  
SAN JOSE, CA 95134

FOR: ENERGY USAGE MANAGEMENT; ENERGY USAGE MANAGEMENT INFORMATION SERVICES; HOME ENERGY ASSESSMENT SERVICES FOR THE PURPOSE OF DETERMINING ENERGY EFFICIENCY OR USAGE MANAGEMENT; INFORMATION IN THE FIELD OF ENERGY EFFICIENCY; BUSINESS CONSULTING AND ADVISORY SERVICES IN THE FIELD OF ENERGY EFFICIENCY; CONSULTATION IN THE FIELD OF ENERGY EFFICIENCY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-11-2008; IN COMMERCE 2-11-2008.

FOR: REMOTE MONITORING, METERING AND ANALYSIS OF ENERGY USAGE AND ENERGY MANAGEMENT SYSTEMS; ENERGY USAGE MONITORING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-13-2006; IN COMMERCE 2-13-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,257,938.

SN 77-879,227, FILED 11-23-2009.

TARAH HARDY, EXAMINING ATTORNEY



*David J. Kypos*

Director of the United States Patent and Trademark Office


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# SUNPOWER

<b>Word Mark</b>	SUNPOWER
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency. FIRST USE: 20080211. FIRST USE IN COMMERCE: 20080211
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77879227
<b>Filing Date</b>	November 23, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 4, 2010
<b>Registration Number</b>	<b>3929715</b>
<b>Registration Date</b>	March 8, 2011
<b>Owner</b>	(REGISTRANT) SunPower Corporation CORPORATION DELAWARE 77 Rio Robles Legal Department - Trademarks San Jose CALIFORNIA 95134
<b>Attorney of Record</b>	Patrick J. Gallagher



Prior  
Registrations 2257938  
Type of Mark SERVICE MARK  
Register PRINCIPAL  
Live/Dead  
Indicator LIVE

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# EXHIBIT D

# United States of America

United States Patent and Trademark Office

# SUNPOWER

**Reg. No. 4,237,317**

**Registered Nov. 6, 2012**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT  
77 RIO ROBLES  
SAN JOSE, CA 95134

FOR: SILICON WAFERS; SOLAR WAFERS; INVERTERS; PHOTOVOLTAIC INVERTERS;  
SOLAR INVERTERS; CONVERTERS; PHOTOVOLTAIC CONVERTERS; SOLAR ENERGY  
CONVERTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,690,090, 3,929,715 AND OTHERS.

SER. NO. 85-585,503, FILED 3-30-2012.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY



*David J. Kypos*

Director of the United States Patent and Trademark Office

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# SUNPOWER

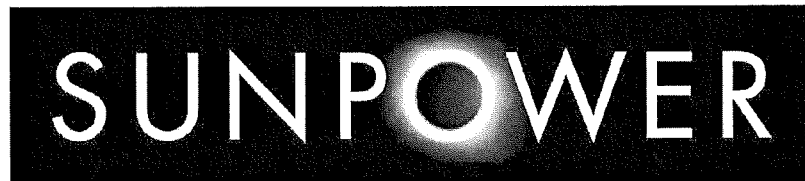
<b>Word Mark</b>	SUNPOWER
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters. FIRST USE: 20050000. FIRST USE IN COMMERCE: 20050000
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85585503
<b>Filing Date</b>	March 30, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 21, 2012
<b>Registration Number</b>	4237317
<b>Registration Date</b>	November 6, 2012
<b>Owner</b>	(REGISTRANT) SunPower Corporation CORPORATION DELAWARE Legal Department 77 Rio Robles San Jose CALIFORNIA 95134
<b>Attorney of Record</b>	Patrick J. Gallagher
<b>Prior Registrations</b>	2690090;3582037;3929715;AND OTHERS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# EXHIBIT E

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,138,218**  
**Registered May 8, 2012**  
**Int. Cls.: 9 and 37**

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT  
77 RIO ROBLES  
SAN JOSE, CA 95134

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FOR: PHOTOVOLTAIC CELLS; MODULES, NAMELY, PHOTOVOLTAIC MODULES AND SOLAR CELL MODULES; PANELS, NAMELY, PHOTOVOLTAIC PANELS AND SOLAR CELL PANELS; SOLAR BATTERIES; SOLAR CELLS; PHOTOVOLTAIC SOLAR-THERMAL HYBRID MODULES; ELECTRONIC SENSORS FOR MEASURING SOLAR RADIATION; APPARATUS FOR CONVERTING ELECTRONIC RADIATION TO ELECTRICAL ENERGY, NAMELY, PHOTOVOLTAIC ROOFING MEMBERS AND PHOTOVOLTAIC CLADDING PANELS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-24-2004; IN COMMERCE 5-24-2004.

FOR: INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY BASED POWER PLANTS; INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY SYSTEMS, SOLAR COLLECTORS AND SOLAR HEAT COLLECTION PANELS; INSTALLATION OF FACILITIES TO PRODUCE SOLAR ENERGY, INSTALLATION OF GROUND MOUNTED AND ROOF-MOUNTED SOLAR PANEL PLANTS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 5-24-2004; IN COMMERCE 5-24-2004.

OWNER OF U.S. REG. NOS. 2,690,090, 3,582,037, AND 3,929,715.

THE MARK CONSISTS OF LARGE BLACK RECTANGLE WITH THE WORDING "SUN-POWER" IN WHITE AND A HALO AROUND THE "O" GRADATION FROM WHITE TO BLACK BACKGROUND.

SER. NO. 85-408,770, FILED 8-26-2011.

SHARON MEIER, EXAMINING ATTORNEY



*David J. Kypos*

Director of the United States Patent and Trademark Office



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**Word Mark**  
**Goods and Services**

SUNPOWER

IC 009. US 021 023 026 036 038. G & S: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels. FIRST USE: 20040524. FIRST USE IN COMMERCE: 20040524

IC 037. US 100 103 106. G & S: Installation, repair, and maintenance of solar energy based power plants; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants. FIRST USE: 20040524. FIRST USE IN COMMERCE: 20040524

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code**

04.01.03 - Halos on objects, letters, numbers

26.11.21 - Rectangles that are completely or partially shaded

27.01.04 - Letters forming objects; Numbers forming objects; Objects composed of letters or numerals; Punctuation forming objects

**Serial Number**

85408770

**Filing Date**

August 26, 2011

**Current Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

February 21, 2012

**Registration Number**

4138218

**Registration Date**

May 8, 2012

**Owner**

(REGISTRANT) SunPower Corporation CORPORATION DELAWARE Legal Department 77 Rio Robles San Jose

CALIFORNIA 95134

**Attorney of  
Record**

Patrick J. Gallagher

**Prior  
Registrations**

2690090;3582037;3929715

**Description of  
Mark**

Color is not claimed as a feature of the mark. The mark consists of large black rectangle with the wording "SUNPOWER" in white and a halo around the "O" gradation from white to black background.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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